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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/657,262	MAEI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	WILLIAM C. STOREY	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 3/23/09.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 13-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 13-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### **Note**

Many of the limitations are similar to those previously presented by the applicant for cancelled claims. Same discussions previously utilized for cancelled claim limitations may be provided for similar limitations now presented in a different format or order. Yet, the general concept is still provided for. For example, if a cancelled claim previously recited that A is connected to B, but the new claim presents B connected to A, the previously-recited addressal of the previous limitation may be provided for the similar, new limitation in order to further the mutually-desired goal of compact prosecution. The previous office action may be referred to for further understanding if need be.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim(s) 14, 15, 16, 19 (and similarly-limited and dependent claims) is/are rejected. Claim(s) 14 recite(s) the limitation "the first communication unit" and "the second communication unit." There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan et al (US Patent Publication 2004/0196833), hereinafter referred to as Dahan; with further support provided by applicant's admitted prior art, Iizuka (US Patent 688796), Murata et al (Japanese Patent Application Laid-Open No. 2002-044363), hereinafter referred to as Murata; and Welin (US Patent Application Publication No. 2002/0031086).

Regarding claim 13, Dahan discloses a facsimile apparatus (fax operations will be described as being incorporated) comprising:

a first communication control section (the descriptions for the comprised components may provide for the first communication control section) that controls facsimile communications using VoIP in which a facsimile signal is assumed as a voice signal (VoIP use is discussed throughout the publication of Dahan. Dahan discloses that signals from a conversion path 600 can be transported on a packet-based network, such as the Internet 122 or a VoIP network 126, as disclosed in paragraph 147. ¶146 discloses how a fax call may be handled as a VoIP call (facsimile signal assumed as a voice signal). ¶147 also discloses another way of hybridly handling fax signals as voice signals and allowing them to be sent on VoIP networks. Further, applicant's admitted prior art on pg. 3, lines 2-4, for example, discloses that it was well known to engage such an idea. Additionally, ¶99 discloses a fax connected over a VoIP network with the system. ¶106 discloses how the following provide for setup of a VoIP packet setup.), comprising:

a first communication image processing unit (It is inherent for a fax machine to contain an image scanning and processing unit. Therefore, fax machine 107 would read on a first communication image processing unit that is connected to the first T30 protocol unit and conducts image processing of communication image data, as disclosed in Figure 2. Fax machines deal with the sending of "image" data (including text, pictures, etc.). The system of Dahan deals with facsimile signals and data. Inherently, a fax machine or some initiator or receptor of the data must be connected and inherently there must be some first communication image processing unit to deal with image data.);

a first T.30 protocol control unit that is connected to the first communication image processing unit, and controls a T.30 facsimile protocol (As previously mentioned, the system of Dahan deals with fax communications. It is also notoriously well known in the art to conform to T30 protocol in fax transmissions for the purpose of being able to communicate with the majority of popular faxes. Therefore, the disclosure of a fax machine 107 reads on claimed T30 protocol control unit that is connected to the facsimile modem and controls a T30 facsimile protocol. Nonetheless, a better interpretation of a first T30 protocol control unit that is connected to the image processing unit and controls a T30 facsimile protocol may be provided. The typical conventional facsimile apparatus operates in convention with the T30 protocol. In order for the system to communicate with the typical conventional facsimile apparatus, inherently, a first T30 protocol control unit must be provided. For example, a data pump (facsimile modem) for communicating would need a T30 protocol control unit to

communicate with the most typical fax machine. It would have been at least obvious to provide a T30 protocol control unit in order to allow the system to have greater utility and/or flexibility in communicating with the majority and most common facsimile unit types. The applicant has claimed a particular layout of the T30 protocol unit connected to the first communication image processing unit. If such a layout were inherently required for communication according to the T30 standard, then the layout would inherently be provided for. If this were not the case, it would have been obvious to provide such a particular layout based upon mere design choice, being obvious to try based on a limited number of placement options, and/or predictable results. Thus, the first T30 protocol unit connected to the first communication image processing unit may be provided for in order to communicate with the conventional fax machine in a useful manner according to the communication protocol. Further, inherently or obviously (as previously discussed) the T30 protocol must be connected to the first communication image processing unit for conventional fax communication and practical output to occur.);

a facsimile modem that is connected to the first T.30 protocol control unit, and modulates and demodulates a facsimile signal (Dahan discloses (at fig. 6, for example) a data pump (DP) (333 is an example) (facsimile modem) that modulates the fax signals into voice signals and is connected to the encoder 220 and decoder 218, which reads on facsimile modem that is connected to the voice encoding/decoding unit and modulates and demodulates a facsimile signal, as disclosed in Figure 6 and paragraph 147. Thus, the facsimile modem is connected to the first T.30 protocol control unit.

Dahan also discloses a fax machine 107 connected to a network and modem, as disclosed in Figure 2. It is notoriously well known that a fax machine should contain a modem for modulation and demodulation of a signal.);

a voice encoding/decoding unit that is connected to the facsimile modem, and encodes and decodes a voice signal (Dahan discloses an encoder 220 and a decoder 218 connected to the RTP unit that reads on claimed voice encoding/decoding unit that is connected to the real-time transfer protocol and a data pump (facsimile modem) control unit and encodes and decodes a voice signal, as disclosed in Figure 6 and paragraph 147.);

and a real-time transfer protocol control unit that is connected to the voice encoding/decoding unit, and controls a real-time transfer protocol (Figure 6 depicts an RTP unit 334 connected to a UDP/IP unit 336, which reads on claimed real-time transfer protocol control unit that controls a real-time transfer protocol, and is further disclosed in paragraph 147. It has previously been disclosed how the RTP unit may be connected to the voice encoding/decoding unit.),

the facsimile apparatus is configured so that transmissions formatted by the first communication control section in accordance with a T.30 facsimile protocol are not further formatted by the facsimile apparatus in accordance with a T.38 facsimile protocol (in fig. 6, there is a t.38 shown connected in the hybrid setup. ¶147 describes how the T.38 is part of the hybrid processing path to remove T.38 encapsulation that had previously been added by a subscriber system. So, the output is not T.38 formatted. The invention may focus on the output path to receiving devices/networks which is not

necessitating the format of T.38. T.38 is only setup for communication between 200 and 300. However, ¶152 describe how the t.38 protocol is not necessary for the communication path and other methods may be utilized. The T.38 protocol may only be added as necessary for output. It may save unnecessary steps or adding and removing the T.38 format to not utilize this format for transmissions not desired under this format. Alternatively, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide not utilizing the t.38 protocol for intersystem communication (such as described at ¶152) at least for the purpose that it would have been obvious to try one of the other limited methods of communication.)

a second communication control section that controls facsimile communications using a T.38 protocol (the second communication control section may be read on by what it comprises, including a t.38 protocol control unit for using a t.38 protocol for facsimile communications), comprising:

a second communication image processing unit (the necessity of a communication image processing unit was previously described. It would have been at least obvious to one of ordinary skill in the art at the time the invention was made to provide a duplicate second communication image processing unit for the second communication processing unit at least in order to increase the speed capability of the system (for example, both communication image processing units could operate at the same time for different processes) and/or to allow for isolation (for example, so that if one unit broke, another would still be operable, allowing for operation by the other unit).);

a second T.30 protocol control unit that is connected to the second communication image processing unit, and controls a T.30 facsimile protocol (Again, as previously discussed, in order to communicate with conventional fax apparatuses, it would have been inherent and/or obvious to provide a T.30 protocol control unit. Additionally, again, it would have been obvious to provide a duplicate second unit for the second communication control section at least for the purpose of allowing for greater speed and/or isolation.); and

a T.38 protocol control unit that is connected to the second T.30 protocol control unit, and controls a T.38 protocol (The first communication control section discussed a section/path for VoIP packet setup and voice processing. The second communication control section may be a section/path for FoIP packet setup and fax processing (¶107). ¶107 and 328 in fig. 3 present that T.38 is to be applied (in the particular embodiment shown in fig. 3, the T.38 encapsulation is not removed, so that the FoIP setup remains. Considering the previous obvious discussions, the T.38 encapsulation may not be provided earlier but may only be provided for a particular output path that desires that format. Thus, considering the previous obvious discussions, it would have been obvious to provide the T.38 protocol control unit specific to the FoIP path/ second communication control section now discussed so that it need not be removed from the other paths/sections that do not desire that format. From previous discussions, the T.38 protocol control unit is connected to T.30 protocol control unit. For further support, in a similar field of endeavor, Iizuka discloses a communication connecting device adaptive to an IP network and communication rate control method therefor. In addition, Iizuka

discloses a sending apparatus that has communication by T.30 recommendations and communication by T.38 recommendations in the same apparatus, as disclosed in column 1 lines 15-29 and 49-65. It is inherent that a facsimile apparatus (sending apparatus) must have a T.30 and a T.38 control unit in order to communicate in ensured conformity with both of those standards. It is inherent that there be some sort of controller to conduct communications over the IP network and as has been mentioned previously, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide connection to a TCP/UDP/IP control unit for the purpose of providing more flexibility in terms of compatibility, simplicity, and speed. It is also inherent that a facsimile apparatus would have an image processing unit to process scanned documents for sending, which reads on claimed second communication image processing unit that is connected between the second T30 protocol control unit and conducts image processing of communication image data. The discussion provided may additionally provide for a second control unit. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a T.30 and T.38 protocol unit connected together, as taught by Iizuka, at least for the purpose of communicating with different reception formats.) ,

a session connection control section that controls a session connection with a destination terminal via an IP network (The previous discussions have discussed how different paths/sections may be utilized for connection with an IP network which would go to a destination terminal. Additionally, ¶33, 55, 69, 97 – at least logical server 300

provides a session connectional control section that controls a session connection with a destination terminal via an IP network. ¶114 provides another example and further support how different paths may be used for different networks. For further support, Murata discloses facsimile equipment, facsimile transmission method and storage medium. Further, Murata discloses a means for selecting one of two different facsimile modes, as disclosed in paragraph 14. This reads on a communication unit selecting unit that selects either of a first communication unit or a second communication unit. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a means for selecting one of two different facsimile modes, as taught by Murata, for at least the purpose of providing more efficient synchronization between the transmitting and receiving sides of a fax communication and/or to secure a predetermined transmission speed depending on the situation of a data communication network allowing for more flexibility, as disclosed in paragraph 11.), and

a TCP/UDP/IP protocol control unit that is connected to the real-time transfer protocol control unit and the T.38 protocol control unit, and controls packet communications with the destination terminal via a network interface using the first communication control section or the second communication control section according to a session connection control by the session connection control section (the previous references and discussion provide for TCP/IP and UDP/IP protocol use for transmission with RTP and T.38 use (fig. 3 (in 328, 322), ¶106-107). A box for a name may be drawn around anything; as such, the TCP/IP and UDP/IP units may reside under an

associated title of TCP/UDP/IP protocol control unit. Further it would have been at least obvious to one of ordinary skill in the art at the time the invention was made to provide combining the two separate units into a single unit. ¶107 discloses how fax processing may utilize TCP/IP and UDP/IP. Combining the two provides greater ease and/or flexibility. Further, combination of the two units into one may reduce cost (for example, by reducing the necessity of duplicate parts) and/or space consumption. For further support, in a similar field of endeavor, Welin discloses a tcp/udp/ip protocol control unit that is connected to the network interface and controls an IP protocol and a TCP/UDP protocol. In addition, Welin discloses systems, processes, and integrated circuits for improved packet scheduling of media over packet. Further, Welin discloses a control unit 381 connected to a network physical interface 391, which is connected to a packet data network 351, which reads on “control unit that is connected to the network interface, as disclosed in Figure 3. In addition, Welin discloses a tcp/udp/ip stack in 611 and 3733, which may be placed inside the control unit such as 381 to control header output, which reads on claimed tcp/udp/ip protocol control unit, as disclosed in figures 3 and 6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan by specifically providing TCP, UDP, and IP control units contained together, as taught by Welin, for at least the purpose of conserving space.),

5. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the previous disclosures as applied to claim 1 above, and further in view of Walker et al. (US Patent Publication 2003/0193696), hereinafter referred to as Walker.

Regarding claim 14, the claim inherits everything as applied above for claim 13. However, the previous disclosures may not have distinctly disclosed a selective call control unit that first selects the first communication unit and calls a destination terminal to judge whether the destination terminal has T.38 mode communication capability, and when the destination terminal has the T.38 mode communication capability, temporarily suspends the session and selects the second communication unit to call the destination terminal. However, the examiner maintains that it was well known in the art to provide a selective call control unit that first selects the first communication unit and calls a destination terminal to judge whether the destination terminal has T.38 mode communication capability, and when the destination terminal has the T.38 mode communication capability, temporarily suspends the session and selects the second communication unit to call the destination terminal, as taught by Walker.

In a similar field of endeavor, Walker discloses voice and fax over IP call establishment in a communication network. In addition, Walker discloses the initialization of communication, which reads on claimed call a destination terminal; using voice communication, which reads on claimed first communication unit; by a media gateway, which reads on claimed selective call control unit; detects whether or not fax or t.38 communication is occurring, which reads on claimed judge whether the destination terminal has t.38 mode communication capability; and when it detects positively, enables the image/t38 connection; which reads on claimed selects the second communication unit to call the destination terminal; and mutes the voice communication until it detects a necessity to switch back to voice communication, which

reads on claimed temporarily suspends the session; as disclosed at paragraphs 49, 51, and 52.

Therefore, it would have been at least obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a selective call control unit that first selects the first communication unit and calls a destination terminal to judge whether the destination terminal has T.38 mode communication capability, and when the destination terminal has the T.38 mode communication capability, temporarily suspends the session and selects the second communication unit to call the destination terminal, as taught by Walker, for the at least purpose of improving efficiency and/or preventing the loss of a call, as disclosed at paragraph 4.

Regarding claim 15, similar reasoning as applied for claim 14 rejects claim 15.

Regarding claim 16, the claim inherits everything as applied above for claim 14. However, the previous disclosures may not have distinctly disclosed wherein it is judged whether the destination terminal has the t.38 mode communication capability in a stage shifted to a facsimile protocol after the establishment of a session according to the call by the communication unit. However, the examiner maintains that it was well known in the art to provide wherein it is judged whether the destination terminal has the t.38 mode communication capability in a stage shifted to a facsimile protocol after the establishment of a session according to the first call by the communication unit, as taught by Walker.

In addition, Walker discloses switching to t.38 mode communication, which reads on claimed stage shifted to a facsimile protocol; after starting out the connection in the voice communication mode, which reads on claimed after the establishment of a session according to the call by the first communication unit. While in the t.38 communication mode, it is continuously checked whether or not the t.38 mode is still to be enabled, which reads on claimed judged whether the destination terminal has the t.38 mode communication capability, as disclosed at paragraph 49.

Therefore, it would have been at least obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosure by specifically providing wherein it is judged whether the destination terminal has the t.38 mode communication capability in a stage shifted to a facsimile protocol after the establishment of a session according to the call by the communication unit, as taught by Walker, for at least the purpose of improving efficiency and/or preventing the loss of a call, as disclosed at paragraph 4.

6. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over the previous disclosures as applied to claim 1 above, with further support being provided by Ogawa (5042028) and Oobayashi (US Patent Publication 2002/0075521).

Regarding claim 17, the claim is rejected based upon similar reasoning as applied above for claim 13. Many of the limitations and the general claimed material is the same or similar. It has previously been discussed how it would have been obvious to provide duplicates of a particular component/device/unit/etc. Similarly, it would have been at least obvious to combine two units into one for the purpose of providing greater

ease and/or flexibility, and/or to reduce cost (for example, by reducing the necessity of duplicate parts), and/or space consumption. This may apply in the case of a shared T.30 protocol control unit. A box for a name may be drawn around anything; as such, the first and second T.30 protocol control units may reside under an associated title of T.30 protocol control unit.

For further support, in a similar field of endeavor, Ogawa discloses two fax protocol control units controlled by a shared protocol control unit. In addition, Ogawa discloses a communication terminal device. Further, Ogawa discloses a fax communication control unit 40, which serves both G3 and G4 communication, as disclosed in Figure 1. Ogawa discloses the fax communication control unit serving both a G3 communication mode (T30) and a G4 communication mode: simultaneous facsimile communication in the G4 mode/G3 mode is possible by such operation of the communication terminal device of the particular embodiment, as disclosed at column 9, lines 58-61. It is well known in the art to reproduce a duplicate of something already widely known, such as a T30 control unit. Therefore, the examiner states that it was well known in the art at the time of the invention to produce two T30 control units and place them in a shared control unit instead of two different control units, for the purpose of connecting to two separate G3 fax machines and/or for the simplification of layout and/or configuration and/or for the purpose of improving communication efficiency, as disclosed at column 2, lines 33-34.

Considering the discussion of the a switch being located between a T.30 protocol control unit and a connection of a facsimile modem or the T.38 protocol control unit,

selecting between different output paths/sections has previously been discussed. Additionally, Dahan disclosed at fig. 3, for example, how some components may be shared before splitting out for different selectable output paths (from MUX 308 (fig. 3, ¶103), for example). Combining a certain element and changing the switching location would have been at least obvious to one of ordinary skill in the art. The particular arrangement is obvious by designer's choice. The arrangements do not alter the end result as to present an unpredictable result. Further, there are a limited number of placement options within the tree of connection and it would have been obvious to try the placement options. Further, it has previously been discussed how a fax input from fig. 2 may be formatted according to a T.38 protocol control unit that is utilized for all output paths possible of being chosen. As it has been discussed how T.30 may be inherent and/or obvious for communication with fax machines, it would have been at least obvious to utilize a T.30 protocol control unit prior to switching between different output paths so that a single unit may more easily provide for fax communication with the output paths and/or to allow for the initiating fax to communicate by a conventional or inherent manner which provides at least greater ease.

In addition, for further support, the examiner maintains that it was well known in the art to selectively switch a connection of a shared unit with the facsimile modem or with the T.38 protocol control unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an internet facsimile and control method thereof. In addition, Oobayashi discloses a network control section 110, which reads on claimed switching unit; that controls switching at least two different

communication output modes, which reads on claimed selectively switch a connection, as disclosed in Figure 2 and paragraph 39. It is well known in the art to use a t.38 protocol control unit to ensure capability to communicate a fax over an IP standardized Ethernet connection, which reads on claimed T38 protocol control unit. In addition, Oobayashi discloses a branch from the network control section going to a modem 112, which reads on claimed modem, for a different type of communication than the other route previously-mentioned, as disclosed in Figure 2 and paragraph 37. Fig. 2 discloses numerous sections that may be shared in utilization for both output modes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a switching unit provided to selectively switch a connection of a shared unit with the facsimile modem or with the T.38 protocol control unit, as taught by Oobayashi, for the purpose of allowing selective, separate outputs that would both conform to carry in a similar trait or traits and improve operability, as disclosed at paragraph 9 and paragraph 39. Nonetheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a switch between output modes in order to provide reduction in the possibility of leakage into multiple connections.

7. Claim 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the previous disclosures as applied above for claim 13 and further in view of Oobayashi.

Regarding claim 18, at least part of the claim is rejected based upon similar reasoning as applied above for claim 13. Claim 18 claims a new second communication control section with different limitations. Dahan provides for numerous

output paths, including to a PSTN (public switched network) (fig. 3), which may read on public line. ¶104 and fig. 3 disclose that a data pump (second facsimile modem).

Modems are capable of modulation and demodulation of a signal.) is provided for the output to PSTN on path 329. However, other interpretations of a modem may be provided. For example, a receiving conventional fax machine would inherently have a modem. Additionally, it has been disclosed how it would have been obvious to provide duplicate units/devices/components, etc. As such, a second communication image processing unit, second T.30 protocol control unit, and second facsimile modem may be provided, considering the benefits discussed as provided by providing duplicate units (for example, allowing for greater speed and/or isolation). ¶105, 114 and fig. 3 also disclose a controller that may adjust operation of the paths according to the type of the call passing on the path and the network being used (network control unit that is connected to the second facsimile modem, and controls a connection to a destination terminal via a public line).

For further support, Oobayashi discloses a net control section 111, which reads on claimed a network control unit that controls a connection to a public line, as disclosed in Figure 2 and paragraph 37. Oobayashi discloses a modem 112, which reads on claimed second facsimile modem that is connected to the network control unit and modulates and demodulates a facsimile signal, as disclosed in Figure 2 and paragraph 37. Oobayashi discloses a system for communicating with group three facsimile machines, as disclosed in Figure 1. In order to effectively communicate with group 3 facsimile machines, it is inherent that a fax system would contain a T30 control

section in order to conform to ITU-T standards for communication with a group 3 machine. Communication control section 109 controls fax communications over a telephone network that connects with group 3 facsimile machines, as disclosed in paragraph 37, Figure 2, and Figure 1. Therefore, the inherency of such communication and the control of communication control section 109 read on claimed a second T.30 protocol control unit that is connected to the second facsimile modem and controls the T.30 facsimile protocol, as disclosed in Figure 1, Figure 2, and paragraph 37.

Oobayashi discloses an image processing section 106 and an image storage section 107, which reads on claimed second communication image processing unit that is connected between the second T.30 protocol control unit and the image storage unit and conducts image processing of communication image data, as disclosed in Figure 2 and paragraph 37. All the components are connected through the system and/or connections. Therefore, it would have been obvious to include the said teachings of Oobayashi for the purpose of providing greater fax communication and control.

Regarding claim 20, the claim is rejected based upon similar reasoning as previously discussed or inherited for claim 18. The components of the first section generally match up to presented limitations for claim 20 (even though some limitations may not claim “first,” they may still be provided for from the same general reasoning). Similarly, the majority of limitations have been provided for as well. Dahan discloses at least a single modem 110 (fig. 1) and/or a DP 252 which is incorporated in 200 of figure 2 and is connected to fig. 3 which connects to the different output paths when selected for use. This may provide for the facsimile modem of claim 20. Additionally it has been

discussed how a connected fax machine, such as 107 in fig. 2, must contain a facsimile modem and may provide for the facsimile modem as well. Claim 20 newly presents "a switching unit that selectively switches a connection of the facsimile modem to the voice encoding/decoding unit or to the network control unit." Separate output paths have been described. However, the discussion for Dahan did not explicitly provide for the network control unit in a position such that connection to the facsimile would be either to the voice encoding/decoding unit or the network control unit. However, the previous discussion for Oobayashi provided for a network control section 111 that is placed after a connection to a modem. It would have been obvious to have a network control section 111 controlling connection to the network at least for the purpose of providing greater control and to allow a specific unit for final connection control (¶37). Thus, there is a switching unit (MUX 308 (fig. 3, ¶103, for example) connected after the facsimile modem and that switches a connection to a desired output path, including a path with the voice encoding/decoding unit or a path with a network control unit as has been discussed. Nonetheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a switch between output modes in order to provide reduction in the possibility of leakage into multiple connections.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous disclosures as applied to claim 18 above, and further in view of Tanaka (Japanese Publication 2003060836).

Regarding claim 19, the claim inherits everything as applied above for claim 18. In addition, the previous disclosures disclose the ability to select either of a first

communication unit or a second communication unit (may be the first and second communication control sections here), which reads on claimed selects the first communication unit to call the destination terminal and selects the second communication unit to call the destination terminal. It is well known in the art to enter in a destination # for sending a facsimile. Official notice may be taken if necessary, however, please see the following Tanaka reference discussion showing entry of a destination number. Yet, inherently, some numerical identification of a destination terminal must be designated. The operation of deciding what path to use would occur after the designation of a destination for the system. However, the previous disclosures may not have distinctly disclosed an IP network terminal identification number storage unit that stores identification numbers used to identify IP network terminals. However, the examiner maintains that it was well known in the art to provide an IP network terminal identification number storage unit that stores identification numbers used to identify IP network terminals, as taught by Tanaka.

In a similar field of endeavor, Tanaka discloses network facsimile equipment. In addition, Tanaka discloses an input means, which reads on claimed destination terminal number input unit; for inputting the telephone number, which reads on claimed destination terminal number; of a transmitting destination, which reads on claimed destination terminal; as disclosed in paragraph 8. In addition, Tanaka discloses a registration means, which reads on claimed IP network terminal identification number storage unit; a facsimile apparatus referenced by the inputted telephone number, which reads on claimed IP network terminals; and IP address information with respect to the

inputted telephone number, which reads on claimed identification numbers. Tanaka discloses a communication link decision means and telephone number collating means, which read on selective call control unit, as disclosed in paragraph 10. Tanaka discloses a telephone number, which reads on claimed input number and destination terminal number; IP address information, which reads on claimed identification numbers; registration means, which reads on claimed IP network terminal identification number storage unit; facsimile apparatus, which reads on claimed destination terminal, as disclosed in paragraph 10. ¶10 discloses how what reads on the selective call control unit provides for determining whether data is to be transmitted to by way of Internet communication means or the public line network communication means. When a telephone number is input as a data transmission destination by the input means, what reads on the selective call control unit determines that the data will be transmitted via the Internet communication means if it is confirmed that an IP address is correlated with the telephone number input (¶10). Thus, the confirmation of correlation (comparison) and determination of where to send may occur when a destination terminal number of destination terminal is input, as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing an IP network terminal identification number storage unit that stores identification numbers used to identify IP network terminals, as taught by Tanaka, for the purpose of increasing efficiency and speed by not having to determine the IP address of an

inputted telephone number every time the telephone number is inputted, as disclosed in paragraph 4.

***Response to Arguments***

Regarding the applicant's take on the personal interview: The personal interview was conducted some time ago and though what transpired what not be exactly and minutely-remembered, the examiner is not sure that the applicant's take on the discussion regarding ¶13 is true. The examiner vaguely remembers mentioning briefly seeing something of note in ¶13 and referring the applicant to it for his or her benefit. The applicant may have responded that he or she was not aware of this and would have to look at it. Though this is not a sure thing, the examiner does not believe that the applicant responded with anything to overcome ¶13 at the time and the examiner feels even more strongly that the examiner did not say anything about asserting that ¶13 did not provide support. It is noted that the examiner's interview summary did not check that any agreement was made including an alleged inability of ¶13 to provide support. Rather, it is checked that the issue of agreement with respect to the claims was not applicable. This interview summary was presented for approval to the applicant's representative at the time of interview. Additionally, the applicant's representative requested that the examiner remove specifics that were discussed from the examiner's interview summary so that it be more general. If the applicant is to make assertions such as presented in regard to ¶13, the examiner may not extend such a courtesy to the applicant's representative again in the future. In sum: the description

provided by the applicant in regard to what transpired concerning ¶13 should not be taken as literal truth by anyone who reads these proceedings.

Applicant's arguments with respect to claims 13, 17, 18, and 20 have been considered but are moot in view of the new ground(s) of rejection. New limitations were entered that prompted new addressing of these limitations. Please refer to the claim discussions for further understanding.

Regarding applicant's arguments with respect to claims 13, 17, 18, and 20, the examiner notes that claims 17 & 20 do not mention the limitation about VoIP discussed by the applicant in his or her remarks about these claims.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM C. STOREY whose telephone number is (571)270-3576. The examiner can normally be reached on Monday - Friday Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2625

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